

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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MARTA E. JIMENEZ,

Plaintiff,

**COMPLAINT and JURY DEMAND**

-against-

Docket No.:

NANCY A. MARSELL,

Defendant.

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Plaintiff MARTA E. JIMENEZ ("MARTA"), as and for her complaint against the defendants alleges as follows:

**PARTIES**

1. At all times relevant hereto, defendant NANCY A. MARSELL ("MARSELL") was and is an individual residing at 45 Lackawanna Ave, City of Wallington, State of New Jersey 07057.

2. MARSELL is a citizen of the State of New Jersey.

3. MARTA is a citizen of the State of New York.

**JURISDICTION and VENUE**

4. Subject matter jurisdiction exists pursuant to 28 U.S.C. § 1332 as the plaintiff is a citizen of a different state than all defendants.

5. Venue is proper in Newark vicinage accident took place in Hudson County, plaintiff at the time was employed in Bayonne and a substantial part of the events giving rise to this action, occurred closest to the Newark vicinage.

6. The claim arose in Bayonne which is in the County of Hudson.

7. The defendant resides in the County of Bergen.

#### **FACTUAL ALLEGATIONS**

8. At all times relevant hereto, the area designated as West 23rd Street, 150 feet West of the intersection with Delmonte Drive, City of Bayonne, County of Hudson, was and is the accident location claimed herein.

9. On April 30, 2006 plaintiff was a driver on West 23<sup>rd</sup> Street.

10. On April 30, 2006, at approximately 3 p.m., defendant MARNELL was operating a 1999 Acura bearing New Jersey license plate number JSK21L ("ACURA").

11. At all times relevant hereto, defendant MARNELL was the owner of the ACURA.

12. At all times relevant hereto, defendant MARNELL was operating the ACURA in the vicinity of West 23<sup>rd</sup> Street and Delmonte Drive, County of Hudson, State of New Jersey.

**CAUSE OF ACTION**

13. On April 30, 2006, at approximately 3:00 p.m., the ACURA rear-ended the vehicle that MARTA was driving on West 23rd Street, 150 feet West of the intersection with Delmonte Drive, City of Bayonne, County of Hudson, State of New Jersey.

14. As a result of the collision and defendant's negligence, plaintiff was caused to suffer severe and serious injuries.

15. At the aforesaid time and place, defendant proximately caused the aforesaid collision by negligently, carelessly and recklessly failing to own, control and operate the ACURA, failing to maintain a proper lookout, failing to obey traffic laws, traveling at an excessive rate of speed, failing to break properly, sound a horn and being generally negligent.

16. Plaintiff has sustained serious injuries as defined in New Jersey No-Fault Law N.J.S.A., § 39:6A.

17. Defendant is 100% responsible for the aforesaid collision and the plaintiff's injuries.

**WHEREFORE**, plaintiff demands judgment against defendant for compensatory damages in the sum of One Million Dollars (\$1,000,000.00) and for interest, fees and the costs of this suit as allowed by law.

**JURY DEMAND**

The plaintiff herein demands a trial by jury as to all issues.

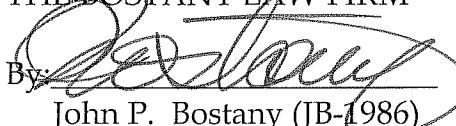
**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, please be advised that John P. Bostany is designated as trial counsel.

Dated: Newark, New Jersey  
June 12, 2006

THE BOSTANY LAW FIRM

By:

  
John P. Bostany (JB-1986)

Attorney for Plaintiff

MARTA E. JIMENEZ

One Gateway Center, Suite 2600

Newark, New Jersey 07102

(800) 585-8918

**VERIFICATION**

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

MARTA JIMENEZ, being duly sworn deposes and says:

1. I am the plaintiff in this action.
2. I have read the foregoing COMPLAINT and know the contents thereof. The same is true to my knowledge except as to the matters stated to be alleged on information and belief and as to those matters I believe them to be true.

  
signature

Sworn to before me this  
17<sup>th</sup> day of June, 2006

  
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Notary Public

JOHN P. BOSTANY  
Notary Public, State of New York  
No. 02B05072359  
Qualified in Kings County  
Commission Expires Jan. 27, 2007